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Patents and Trademarks

July 27, 2007

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Attn: Paul Shanowski

Re: Renewed Petition Under 37 C.F.R. 1.137(b)  
Serial No.: 10/776,694  
Filed: February 12, 2004  
For: DEVICES AND METHODS FOR  
THE SYNTHESIS OF NUCLEIC ACIDS  
Our ref: NGO-001

Sir:

This is a renewed "Petition For Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b)" for the above-identified application. Petitioners are CTGen, Inc., assignee of the above-identified application acting through its president, Nam Ngo, and Mr. Nam Ngo, one of the applicants here. Previously, CTGen and Nam Ngo were represented pro se but now are represented by the undersigned.

Enclosed in response to the Decision on Petition Under 37 C.F.R. §1.137(b) mailed June 16, 2006 for the above-identified patent application is a completed Application Data Sheet and a newly executed declaration.

Respectfully submitted,

Thomas Schneck

TS:mpg

Page Two

Encl: Petition for Revival  
Declaration Supporting Petition  
Statement Under 37 CFR 3.73(b)  
Application Data Sheet  
Declaration signed by 3 inventors  
Copy of Notice of Abandonment  
Check in the amount of \$750  
Return post card.

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signed: *Merle P. Garcia*  
Typed Name: Merle P. Garcia

Date: July 27, 2007



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Nam Ngo et al.

PATENT APPLICATION

Serial No.: 10/776,694

Group Art Unit: 1623

Filed: February 12, 2004

Examiner:

Confirmation No.: 2784

Attorney Docket No.: NGO-001

For: DEVICES AND METHODS FOR THE  
SYNTHESIS OF NUCLEIC ACIDS

Petition For Revival of an Application for Patent Abandoned  
Unintentionally Under 37 C.F.R. § 1.137(b)

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Petitioners, CTGen, Inc. and Nam Ngo, president of CTGen, Inc., and one of the applicants are joint petitioners who hereby petition the Commissioner of Patents and Trademarks under 37 C.F.R. § 1.137(b) to revive the above-identified unintentionally abandoned application.

Under 37 C.F.R. § 1.137(b), the following are required in order for this Petition to be granted:

- (A) the required reply, unless previously filed;
- (B) the petition fee as set forth in 37 C.F.R. § 1.17(m);
- (C) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and
- (D) a terminal disclaimer required pursuant to 37 C.F.R. § 1.137(d).

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Page Two

First, Petitioners submit that the required reply is submitted herewith. According to the Decision on Petition Under 37 C.F.R. § 1.137(b) mailed June 16, 2006, the declaration submitted in the first Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b) on December 11, 2005 was unacceptable as it was the type of declaration appropriate for an application in which an Application Data Sheet has been filed and this does not appear to be the case for the above-identified application. In accord with the Decision of Petition, Petitioners submit herewith a reply including a cover letter entitled, "Renewed Petition Under 37 C.F.R. § 1.137(b)," including a completed Application Data Sheet and a newly executed declaration.

Second, Petitioners submit that the petition fee in the amount of \$750 is submitted herewith. Petitioners claim small entity status.

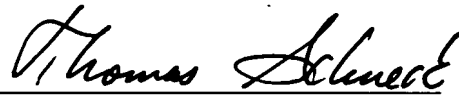
Third, Petitioners submit that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional. Specifically, the entire delay in filing the required reply to the Decision on Petition Under 37 C.F.R. § 1.137(b) from the due date for the reply (August 16, 2006) until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional. As evidenced by Petitioners' attached Declaration entitled, "Declaration Supporting Petition For Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b)," Petitioners submit that Petitioners never received the Decision on Petition Under 37 C.F.R. § 1.137(b) mailed from the Patent Office on June 16, 2006. It was only when Petitioners received a Notice of Abandonment mailed on April 30, 2007 that Petitioners realized that a Decision on Petition had been mailed to which Petitioners had failed to timely respond.

Page Three

Lastly, Petitioners do not need to submit a terminal disclaimer herewith as the above-identified application was filed after June 8, 1995 and is not a design application.

Therefore, as all of the requirements of 37 C.F.R. § 1.137(b) have been met, Petitioners respectfully request favorable consideration of this Petition.

Respectfully submitted,

A handwritten signature in cursive script, reading "Thomas Schneck". The signature is written in dark ink and is positioned above a horizontal line.

Thomas Schneck

Reg. No. 24,518

Attorney for Applicant



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Nam Ngo et al.

PATENT APPLICATION

Serial No.: 10/776,694

Group Art Unit: 1623

Filed: February 12, 2004

Examiner:

Confirmation No.: 2784

Attorney Docket No.: NGO-001

For: DEVICES AND METHODS FOR THE  
SYNTHESIS OF NUCLEIC ACIDS

Declaration Supporting Petition For Revival of  
An Application for Patent Abandoned Unintentionally  
Under 37 C.F.R. § 1.137(b)

1. I, Nam Ngo, residing in Campbell, California am one of the three inventors for the patent application having Serial No. 10/776,694, entitled, "Devices and Methods for the Synthesis of Nucleic Acids", filed in the United States Patent and Trademark Office on February 12, 2004 (hereinafter "the Patent Application").
2. I am the president of CTGen, Inc. of Milpitas, California, assignee of this application. In addition to other duties, I was authorized to prosecute the Patent Application on behalf of CTGen.
3. I am not a patent attorney or a patent agent. I have authorized the patent law firm of Schneck & Schneck to file this paper on my behalf and on behalf of CTGen, Inc. A Statement Under 37 C.F.R. § 3.73(b) is enclosed.
4. On December 11, 2005 I filed a Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b) on behalf of CTGen for the Patent Application.
5. Sometime after April 30, 2007, I received at the address of CTGen a Notice of Abandonment of the Patent Application dated April 30, 2007. It was only then I realized that a Decision on Petition Under 37 C.F.R. § 1.137(b) had been mailed on June 16, 2006 and that CTGen had failed to respond to the Decision within

Page Two

the time period for reply thus causing the Patent Application to become abandoned for the second time.


6. I did not receive the Decision on Petition Under 37 C.F.R. § 1.137(b) mailed by the Patent Office on June 16, 2006 to CTGen. To the best of my knowledge, no one else at CTGen received the Decision on Petition Under 37 C.F.R. § 1.137(b) mailed by the Patent Office on June 16, 2006 to CTGen.

7. I mistakenly assumed that the Petition filed on December 11, 2005 had been granted, as the check accompanying that Petition had been cashed. I was not aware that a Decision on Petition requiring a response would be mailed.

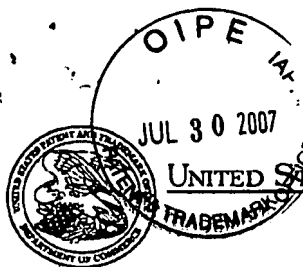
8. In June of 2007, I retained the Law Offices of Schneck and Schneck to represent CTGen in this matter.

All statements made herein of my own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

Name: Nam Ngo

Signature: 

Dated: 07/18/07



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/776,694	02/12/2004	Nam Ngo	

**CONFIRMATION NO. 2784**  
**ABANDONMENT/TERMINATION**  
**LETTER**

CTGen Inc.  
 464 S. Hillview Drive  
 Milpitas, CA 95051

Date Mailed: 04/30/2007

## NOTICE OF ABANDONMENT

### *Decision on Petition*

The above-identified application is **abandoned** for failure to timely reply to the Decision on Petition mailed on 06/16/2006.

If a complete reply to the petition decision was previously filed by applicant within the time period set forth in the petition decision, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item(s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP §§ 512); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be directed to OIPE.

If applicant did not previously file a complete reply within the time period set forth in the petition decision, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(i); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/61.



Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (571)-272-3282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

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*A copy of this notice **MUST** be returned with the reply.*

A handwritten signature, possibly reading "TG", is written above the contact information.

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199

PART 1 - ATTORNEY/APPLICANT COPY